

ZBS LAW, LLP

Shadd A. Wade, Esq. (NV Bar 11310)

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Counsel for Secured Creditor, U.S. Bank, National Association as legal Title Trustee for Truman 2016 SC6 Title Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re

VICTOR ALEJANDRO SORIANO,

Debtors.

Case No.: 23-12257-mkn

Chapter 11

**MOTION FOR RELIEF FROM
AUTOMATIC STAY**

Hearing –

Date: April 24, 2024

Time: 09:30 am

Place: Telephonic/ Remote

U.S. Bank, National Association as legal Title Trustee for Truman 2016 SC6 Title Trust
("Secured Creditor") respectfully represents as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 157, 1334, and 11 U.S.C. § 362(d).

2. On June 2, 2023, Debtor VICTOR ALEJANDRO SORIANO ("Debtor") filed a Chapter 11 bankruptcy petition, Case 23-12257-mkn.

3. Secured Creditor is the holder of a Promissory Note which is secured by a Deed of Trust against real property located at **62 EAST FORD AVENUE, LAS VEGAS, NV 89123** (the "Property"). The Note, Deed of Trust, and Assignment of Deed of Trust are attached to the filed Proof of Claim [**Claim 5**].

4. On information and belief, title to the Property is vested in the Debtor and is a rental property.

1 5. The total unpaid balance of the loan at the time the petition was filed was
2 \$642,712.29.

3 6. The Property is valued at \$631,341.00. *See* Debtor's Schedules [DOC 17].

4 7. Accordingly, the Property has no equity and Secured Creditor is not adequately
5 protected.

6 8. Debtor has failed to make the regularly monthly principal and interest loan
7 payments due from April 1, 2020, to the present date, resulting in pre-petition arrearages of
8 \$121,546.18, plus accruing interest, fees and costs related to the default in payment.

9 9. Debtor has not made any post-petition payments to Secured Creditor, resulting in
10 increased arrears and loan balance since this bankruptcy was filed.

11 10. The extended default in payment and large arrears amount coupled with the lack
12 of equity in the Property make relief from the automatic stay appropriate.

13 11. On October 6, 2023, Debtor filed a Renewed Motion for an Order Allowing Use
14 of Cash Collateral and Establishing Adequate Protection Payments..." as DOC 62 (the "APO
15 Motion").

16 12. The APO Motion included a budget attached as "Exhibit A" that proposed to pay
17 Secured Creditor adequate protection payments of \$2,237/month.

18 13. On December 15, 2023, an Order granting the APO Motion was entered as DOC
19 102 ("APO Order").

20 14. Despite the APO Order, Secured Creditor has not received any payments from
21 Debtor as required by the APO Order.

22 15. Debtor's failure to make the required APO payments constitutes cause for relief
23 from the automatic stay under Section 362(d)(1).

24 16. Debtor has not made any other post-petition contractual payments to Secured
25 Creditor.

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1 17. Debtor's continuing default in post-petition contractual payment constitutes cause
2 for relief from the automatic stay under Section 362(d)(1) of the Bankruptcy Code.

3 18. Further, Debtor has failed to confirm a plan within a reasonable time period.

4 19. Debtor's unreasonable delay in proposing and confirming a feasible plan
5 constitutes cause for relief from the automatic stay under Section 362(d)(1) of the Bankruptcy
6 Code.

7 20. The lack of equity in the Property and absence of adequate protection for Secured
8 Creditor's loan is grounds for relief from the automatic stay under Sections 362(d)(1) and (2).
9

10 21. Because the Property has no equity, the Property is not necessary for any
11 reorganization of the estate making stay relief appropriate.

12 22. Pursuant to 11 USC § 362(d)(1) and (2), Secured Creditor is therefore entitled to
13 relief from the automatic stay.

14 23. To the extent the relief sought herein is granted, the trustees are bound by any
15 such judgment.

16 24. Based on the foregoing and pursuant to 11 U.S.C. § 362(d) (1) and (2), Secured
17 Creditor requests relief from the automatic stay.
18

19 **WHEREFORE**, Secured Creditor prays for an Order as follows:

- 20
- 21 1. Granting relief from the automatic stay, and permitting Secured Creditor, its successors
22 and assigns, to enforce all of its rights in the Property under the Note and Deed of Trust;
 - 23 2. All communications sent by Secured Creditor in connection with proceeding against the
24 Property including, but not limited to, notices required state law and communications to
25 offer and provide information with regard to potential forbearance agreement, loan
26 modification, refinance agreement, loss mitigation agreement, or other loan workout, may
27 be sent directly to Debtor;
 - 28 3. That the 14-day stay prescribed by Federal Rule of Bankruptcy Procedure 4001(a)(3) be
waived; and

- 1 4. That the Order be binding and effective despite any conversion of this bankruptcy case to
- 2 a case under any other chapter of Title 11 of the United States Code;
- 3 5. For such other relief as the Court deems just and proper.

4 A proposed order is attached to this Motion.

5
6 Dated: March 21 , 2024

ZBS LAW, LLP

7 /s/ Shadd A. Wade

8 Shadd A. Wade, Esq.

9 Attorney for Secured Creditor, U.S. Bank,
10 National Association as legal Title Trustee for
11 Truman 2016 SC6 Title Trust
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CERTIFICATE OF SERVICE

I certify that I am an employee of ZBS LAW, LLP, and that on this 21st day of March, 2024, I did cause a true copy of **MOTION FOR RELIEF FROM AUTOMATIC STAY** to be e-filed and e-served through the United States Bankruptcy Court e-filing system and/or deposited a true copy of same in the United States Mail, at Irvine, California, addressed as follows:

Debtor
VICTOR ALEJANDRO SORIANO
2750 W. WIGWAM AVE APT 2239
LAS VEGAS, NV 89123
aka VICTOR ALENJANDRO SORIANO FLORES
aka VICTOR A. SORIANO

Debtor's Counsel
SETH D BALLSTAEDT
BALLSTAEDT LAW FIRM, LLC DBA FAIR FEE LEGAL SERVICES
8751 W CHARLESTON BLVD SUITE 220
LAS VEGAS, NV 89117
Email: help@bkvegas.com
SENT VIA ECF NOTIFICATION

Trustee
TIMOTHY W NELSON
EVANS, NELSON & COMPANY, CPAs
160 W HUFFAKER LANE
RENO, NV 89511
SENT VIA ECF NOTIFICATION

U.S. Trustee
U.S. TRUSTEE - LV - 11
300 LAS VEGAS BOULEVARD S.
SUITE 4300
LAS VEGAS, NV 89101

JUSTIN CHARLES VALENCIA
U.S. DEPT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
300 LAS VEGAS BLVD SOUTH, SUITE 4300
LAS VEGAS, NV 89101
Email: justin.c.valencia@usdoj.gov
SENT VIA ECF NOTIFICATION

TIFFANY & BOSCO, P.A.

1 c/o Regina A. Habermas, Esq.
2 10100 W. Charleston Boulevard, Suite 220
3 Las Vegas, NV 89135
4 SENT VIA ECF NOTIFICATION - nvbk@tblaw.com
5 TB File No. 23-72012

6 LIST OF CREDITORS WHO HAVE THE 20 LARGEST UNSECURED CLAIMS

7 IRS
8 Attn: Centralized
9 Insolvency Operations
10 PO BOX 7346
11 Philadelphia, PA 19101

12 SHELLPOINT MORTGAGE SERVICING
13 PO Box 619063
14 Dallas, TX 75261

15 Peters and Associates, LLP
16 6173 S. Rainbow Boulevard
17 Las Vegas, NV 89118

18 Real Time Resolutions, Inc
19 1349 EMPIRE CENTRAL DRIVE, #150
20 PO BOX 36655
21 Dallas, TX 75247

22
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28
/s/Katherine Kellams

** § 362 INFORMATION SHEET **

VICTOR ALEJANDRO SORIANO

23-12257-mkn

Debtor

Case No:

Motion No:

U.S. Bank, National Association as legal Title Trustee for Truman 2016 SC6 Title

Trust

Movant

CHAPTER: 11

Certification of Attempt to Resolve the Matter Without Court Action

Moving counsel hereby certifies that pursuant to the requirements of LR 4001(a)(2), an attempt has been made to resolve the matter without court action, but Movant has been unable to do so.

Date: March 24, 2024Signature: /s/ Shadd A. Wade

Attorney for Movant

PROPERTY INVOLVED IN THIS MOTION: 62 EAST FORD AVENUE, LAS VEGAS, NV 89123NOTICE SERVED ON: Debtor(s) ☒ ; Debtor's Counsel ☒ ; Trustee ☒DATE OF SERVICE: March 21, 2024MOVING PARTY'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st Movant \$642,712.292nd _____3rd _____4th _____

Other: _____

Total Encumbrances: _____

APPRAISAL OF OPINION as to VALUE:

DEBTOR'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st _____2nd _____3rd _____4th _____

Other: _____

Other Encumbrances: _____

APPRAISAL of OPINION as to VALUE:

\$631,341.00 (debtor's schedules)

TERMS of MOVANT'S CONTRACT
with the DEBTOR(S)::Amount of Note: \$452,000Interest Rate: 4.25 %Duration: 30 yearsPayment per Month: \$2,813.51Date of Default: 04/01/2020Amount in Arrears: \$121,546.18Date of Notice of Default: N/A

SPECIAL CIRCUMSTANCES:

SUBMITTED BY: /s/ Shadd A. WadeAttorney for Secured CreditorDEBTOR'S OFFER of ADEQUATE
PROTECTION for MOVANT:

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SPECIAL CIRCUMSTANCES:

SUBMITTED BY: _____

SIGNATURE: _____

Exhibit A

ZBS LAW, LLP

Shadd A. Wade, Esq. (NV Bar 11310)

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re

VICTOR ALEJANDRO SORIANO,

Debtors.

Case No.: 23-12257-mkn

Chapter 11

**ORDER GRANTING MOTION FOR
RELIEF FROM AUTOMATIC STAY**

Hearing –

Date: April 24, 2024

Time: 09:30A.M.

Place: Telephonic/ Remote

U.S. Bank, National Association as legal Title Trustee for Truman 2016 SC6 Title Trust's ("Secured Creditor") Motion for Relief from Automatic Stay, came on for hearing on April 24, 2024, before the Honorable Judge Nakagawa, appearances as noted.

Good cause appearing, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the automatic stay is vacated and extinguished as to the property commonly known as **62 EAST**

1 **FORD AVENUE, LAS VEGAS, NV 89123** (the “Property”), in favor of Secured Creditor, its
2 successors, transferees and assigns. Secured Creditor may enforce its remedies to foreclose upon
3 and obtain possession of the Property in accordance with applicable non-bankruptcy law.

4 IT IS FURTHER ORDERED that all communications sent by Secured Creditor
5 in connection with proceeding against the Property including, but not limited to, notices required
6 state law and communications to offer and provide information with regard to potential
7 forbearance agreement, loan modification, refinance agreement, loss mitigation agreement, or
8 other loan workout, may be sent directly to Debtors.

9
10 IT IS FURTHER ORDERED that the 14-day stay prescribed by Federal Rule of
11 Bankruptcy Procedure 4001(a)(3) be waived.

12 IT IS FURTHER ORDERED that this Order be binding and effective despite any
13 conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United
14 States Code.

15 ZBS LAW, LLP

16 SUBMITTED this ____ day of April, 2024

17 /s/ Shadd A. Wade
18 Shadd A. Wade, Esq.
19 Attorney for Secured Creditor, U.S.
20 Bank, National Association as legal
21 Title Trustee for Truman 2016 SC6 Title
22 Trust
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CERTIFICATION OF COUNSEL

In accordance with LR 9021, counsel submitting this document certifies that the Order accurately reflects the court's ruling and that (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1)

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Party	Agree	Disagree	No Response
Debtors Counsel			
Trustee			

☒ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form and content of the order.

/s/Shadd A. Wade, Esq.

Shadd A. Wade, Esq.
Nevada Bar No. 11310

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